



Duffield 2003-0207

IN THE UNITED STATES
PATENT AND TRADEMARK OFFICE

Patent Application

Inventor(s)	Nicolas G. Duffield Matthew Roughan Subhabrata Sen Oliver Spatscheck	Serial No.	10/764,001
		Filing Date	1/23/2004
		Examiner	Mark A. Mais
Case Name	Duffield 2003-0207	Art Unit	2619
Title	A Statistical, Signature-Based Approach To IP Traffic Classification		

COMMISSIONER FOR PATENTS

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SIR:

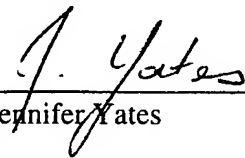
DECLARATION UNDER 37 CFR 1.132

1. My name is Jennifer Yates
2. I have worked for AT&T Labs Research since 1999.
3. My education includes a PhD from University of Melbourne in 1997.
4. I have worked on many problems in network measurement and management and I am currently Executive Director in the Networking and Services Research Center of AT&T Labs Research.
5. I am very familiar with the art of traffic measurement and management in communications network due to my extensive work and managerial responsibilities in this area.
6. I have published over 50 refereed journal and conference publications and I serve on the Editorial Board of the IEEE/ACM Transactions on Networking, the premier academic journal of record in this area.
7. I was asked to peruse US Patent 6,862,622 ('622 reference), and to pay particular attention to the teachings in col. 15, lines 9-17.
8. Based on my background, I consider myself to be a person skilled in the art to which the '622 reference pertains, with a skill level at least that of a person of ordinary skill in the art.

9. I was also asked to determine whether the '622 reference teaches assigning an arriving packet to one of a preselected of QoS treatments, based on an attribute the packet, in accordance with a set of rules that was created pursuant to a statistical analysis of traffic in the network.
10. Based on my reading of the reference generally, and col. 15 in particular, it is my conclusion that the reference does NOT teach such assigning of packets.
11. while it is true that the reference teaches assigning a packet to one of a preselected number of QoS treatments, and such assigning is based on rules, and the rules are sensitive to packet attributes, neither the col. 15 text nor the '622 reference generally teaches that the rules are created pursuant to a statistical analysis of traffic in the network.

Respectfully submitted,

Dated: November 7, 2008

By 
Jennifer Yates